

DOMESTIC VIOLENCE

Approved By: Kenneth Burton Chief of Police
CALEA 6th Edition Standard:

320 DOMESTIC VIOLENCE

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.2 POLICY

The Columbia Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- a. Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- b. Officers should contact the First Responder Victim Advocate (FRA) as soon as possible after becoming aware they are responding to a domestic disturbance involving intimate partner violence. Preferably, the initial contact with the FRA should occur while Officers are en route to the scene, prior to arrival, and officers provide a safe staging location for the FRA to respond and await further instruction.
- c. When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- d. Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- e. When practicable and legally permitted, officers should utilize their video and/or audio equipment to record all significant statements and observations.

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- f. All injuries including those reported but not yet visible, should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. The purpose of photographs in these cases is to visually document the physical condition of subjects at the time of the report to include injury and the absence of injury. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident when initial photographs are taken, or whose injuries will likely change in appearance over time or become visible, should be asked to contact the Domestic Violence Enforcement Unit so follow-up photographs can be taken.
- g. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- h. If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- i. Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- j. When completing an offense report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the report.
- k. Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should be documented in any report whether or not the officer decides to take enforcement action:
 - 1. Marital/relationship status of suspect and victim
 - 2. Whether the suspect lives on the premises with the victim
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence
 - 4. The physical or emotional state of either party
 - 5. Use of drugs or alcohol by either party
 - 6. Denial that the domestic violence occurred where evidence indicates otherwise
 - 7. A request by the victim not to arrest the suspect
 - 8. Location of the incident (public/private)
 - 9. The racial, cultural, social, professional position or sexual orientation of the victim or suspect
 - 10. Document attempts to contact or successful contact with the First Responder Victim Advocate (FRA) (if position is filled). If FRA was not on duty or otherwise not available, document that as well.

320.4.1 VICTIM ASSISTANCE INFORMATION

Officers should:

- a. Contact the First Responder Victim Advocate (if the position is filled) according to the procedure outlined in 320.5
- b. Advise the victim that there is no guarantee the suspect will remain in custody.
- c. Provide the victim with a domestic violence information card Advise the victim how to obtain a court order including resources to assist in that process
- d. Offer the victim a ride or assistance with going to a safe location,
- e. If appropriate, briefly explain the domestic violence shelter services and how to contact them,

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- f. If the FRA is not on duty, and circumstances are appropriate, contact the DOVE Advocate Coordinator.

320.5 PROCEDURE FOR FIRST RESPONDER VICTIM ADVOCATE (FRA) CALL OUT**320.5.1 MISSION**

The mission of the FRA is to provide victim services and other resources concurrent with an incident requiring law enforcement response. The services are intended for victims of intimate partner violence (IPV) which includes domestic violence-related offenses and sexual offenses.

320.5.2 PROCEDURE FOR CALL OUT

When an officer has information that the incident to which they are responding involves Intimate Partner Violence (IPV) they are to contact (a) the First Responder Victim Advocate (FRA) directly or (b) contact the Station Master to have a call made to the FRA.

The FRA will be provided with the following information (by an officer or the Station Master) while officers are en route or on scene:

- The location of the incident
- Whether the FRA should “stage” (stand by in the area) or respond directly to the scene
 - If the FRA is “staging,” an officer at the scene or the Station Master will call the FRA when it is safe to enter the scene
- The nature and circumstances of the call, the names of the people involved, and the type of offense(s) alleged or suspected
- Information, if available, about special needs or requirements for the FRA response, such as bringing car seats, transportation for the victim, Limited English Proficiency documents, etc.
- Any other considerations for how the FRA’s discretionary response would benefit or hinder the ongoing police investigation

The FRA will offer services at the scene under the following conditions:

- The FRA will begin the interaction with the victim at the discretion of the officer at the scene
- The FRA will only remain at the scene if an officer is present for security
- The FRA will not hinder or otherwise obstruct officers’ investigations for the purpose of offering victim services
- The FRA will offer victim services at True North if it is not feasible to speak with a victim at the scene

Crisis Intervention Duties of the First Responder Advocate (FRA):

- Perform Safety Assessment with victim
- Determine if victim meets requirements to stay at the True North Shelter
- Explain ex-parte orders of protection and the process to obtain them
- Exchange contact information with victim for coordination of services with the daytime DOVE Advocate Coordinator

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320.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

320.7 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- a. Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- b. Check available records or databases that may show the status or conditions of the order.
- c. Contact the issuing court to verify the validity of the order.
- d. Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.8 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- a. An officer who has probable cause to believe that a domestic violence offense has occurred should make an arrest (§ 455.085, RSMo). Any decision not to arrest and issue a 12-hour rule provided by statute requires supervisor approval.
- b. In the rare case that an officer is subsequently called to the same address within a 12-hour period, who has probable cause to believe the same person has again committed a domestic violence offense against the same or any other family or household member, shall arrest the person for this subsequent offense (§ 455.085, RSMo).
- c. An officer is not required to arrest both parties when both parties claim to have been assaulted. The officer shall attempt to identify and shall arrest the party he/she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor (§ 455.085, RSMo).

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1. An officer shall consider and document any or all of the following in determining the primary aggressor (§ 455.085, RSMo):
 - i. The intent of the law to protect victims of domestic violence from continuing domestic violence
 - ii. The comparative extent of injuries inflicted or serious threats creating fear of physical injury
 - iii. The history of domestic violence between the persons involved
 - iv. The physical size and/or ability of the individuals involved
 - v. The primary physical aggressor usually causes the most physical injury and/or damage
2. An officer shall not threaten to arrest all parties for the purpose of discouraging requests for law enforcement intervention.
3. The officer shall evaluate each complaint separately to determine whether to make an arrest or seek a warrant for an arrest.
- d. Officers shall arrest a person based upon probable cause that the person has notice of a protective order and has committed an act of abuse in violation of the order. The arrest is required whether or not the violation occurred in the presence of the officer (§ 455.085, RSMo).
- e. Officers shall arrest a person against whom an order of protection has been entered if the person fails to surrender custody of minor children to the person to whom custody was awarded in the order and shall also turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

320.9 REPORTS AND RECORDS

1. When an officer declines to make an arrest, the report shall include (RSMo § 455.085):
 - a. A complete description of the suspect
 - b. The victim's name
 - c. The date, time, and location of the incident
 - d. The reasons why no arrest was made and any other pertinent information

The report should also include reasonably known information regarding prior related incidents of domestic violence, violations of court orders, and related prior convictions as this information may affect the level of the offense (§ 455.085, RSMo).